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15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN JOSE DIVISION**

18
19 In re Marvell Technology Group Ltd.
Securities Litigation

Master File No. C-06-06286 RMW

CLASS ACTION

**[PROPOSED] ORDER APPROVING
FINAL DISTRIBUTION PLAN**

DATE: APRIL 24, 2015

TIME: 9:00 A.M.

PLACE: COURTROOM 6

THE HONORABLE RONALD M. WHYTE

23 THIS DOCUMENT RELATES TO:

24 All Actions

1 WHEREAS, on November 13, 2009, this Court entered the Final Judgment and Order
2 approving the Settlement of the above-captioned action (“Action”), as embodied in the Stipulation
3 and Agreement of Settlement dated June 9, 2009 (“Stipulation”), ECF No. 281;¹

4 WHEREAS, the Court-approved claims administrator for the Action, Epiq Class Action &
5 Claims Solutions (“Epiq”), processed all Proofs of Claim submitted in connection with the
6 Settlement in accordance with the terms of the Stipulation and the Plan of Allocation set forth in the
7 Notice disseminated to the Class;

8 WHEREAS, upon completion of the processing of Proofs of Claim and pursuant to the
9 Court’s Order re: Distribution of Class Settlement Fund dated August 8, 2011, ECF No. 301, Epiq
10 conducted an initial distribution of the Net Settlement Fund to Authorized Claimants (“Initial
11 Distribution”);

12 WHEREAS, following the Initial Distribution and Epiq’s efforts to encourage Authorized
13 Claimants to cash their checks, there remained unclaimed and returned funds in the Net Settlement
14 Fund;

15 WHEREAS, Epiq conducted a second distribution of the unclaimed and returned funds
16 remaining in the Net Settlement Fund to eligible Authorized Claimants (“Second Distribution”);

17 WHEREAS, following the Second Distribution and Epiq’s efforts to encourage Authorized
18 Claimants to cash their checks, there currently remains \$631,678.50 in unclaimed or returned funds
19 in the Net Settlement Fund; and

20 WHEREAS, this Court has retained jurisdiction of this Action for the purpose of
21 considering any further application or matter which may arise in connection with the administration
22 and execution of the Settlement and the processing of Proofs of Claim and the distribution of the
23 Net Settlement Fund.

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26 ¹ Unless otherwise noted, capitalized terms used herein shall have those meanings contained in the
27 Stipulation or in the Affidavit of Stephanie Thurin in Support of Lead Plaintiffs’ Motion for
28 Approval of Final Distribution Plan (“Thurin Affidavit”) dated March 11, 2015.

1 NOW, THEREFORE, upon reading the Thurin Affidavit, submitted on behalf of Epiq, and
2 the accompanying motion and memorandum in support, and upon all prior proceedings herein and
3 after due deliberation, it is hereby:

4 ORDERED that all Authorized Claimants whose Second Distribution checks are stale-dated
5 and who have not requested a check reissue prior to the entry of this Order will irrevocably forfeit
6 any additional recovery from the Settlement, and the funds allocated to all such stale-dated checks
7 will be available for re-distribution to other Authorized Claimants; and it is further

8 ORDERED that Epiq be paid up to \$56,952 from the remaining balance of the Net
9 Settlement Fund for its fees and expenses incurred, and to be incurred, in connection with its
10 services provided, and to be provided, through the completion of this Action; and it is further

11 ORDERED that Epiq will conduct a third distribution of the Net Settlement Fund (“Third
12 Distribution”), pursuant to which the remaining balance of the Net Settlement Fund, after deducting
13 the payment to Epiq, and after deducting any payments for estimated taxes and the costs of
14 preparing appropriate tax returns and escrow fees, will be distributed to all eligible Authorized
15 Claimants (*i.e.*, Authorized Claimants who have cashed their checks from the Second Distribution,
16 or have submitted a check reissue request prior to the date of entry of this Order) and who would
17 receive at least \$10.00 from such re-distribution); and it is further

18 ORDERED that all checks issued in the Third Distribution will bear a notation “DEPOSIT
19 PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN
20 SIXTY (60) DAYS OF DATE OF ISSUE”; and it is further

21 ORDERED that Authorized Claimants who do not cash their checks within the time allotted
22 will irrevocably forfeit all recovery from the Third Distribution; and it is further

23 ORDERED that if after six (6) months after the Third Distribution any funds remain in the
24 Net Settlement Fund from uncashed or returned checks after Epiq has made reasonable and diligent
25 efforts to have Authorized Claimants who are entitled to participate in the Third Distribution cash
26 their checks, and after payment of any unpaid costs or fees incurred or to be incurred in connection
27 with administering the Net Settlement Fund, such remaining funds shall be donated to Bay Area

1 Legal Aid, a 501(c)(3) charitable organization selected by Lead Plaintiffs through their Counsel and
2 agreed to by Marvell Technology Group Ltd; and it is further

3 ORDERED that all persons involved in the review, verification, calculation, tabulation, or
4 any other aspect of the processing of the claims submitted herein, or otherwise involved in the
5 administration or taxation of the Settlement Fund or the Net Settlement Fund are released and
6 discharged from any and all claims arising out of such involvement, and all Class Members,
7 whether or not they are to receive payment from the Net Settlement Fund, are barred from making
8 any further claim against the Net Settlement Fund or the released persons beyond the amount
9 allocated to them pursuant to this Order; and it is further

10 ORDERED that this Court retain jurisdiction over any further application or matter which
11 may arise in connection with this Action.

12 SO ORDERED.

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14 DATED: April 13, 2015
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THE HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE